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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,511

08/28/2003

Douglas B. Quine

F-658

6817

7590 05/17/2007
Pitney Bowes Inc.
IP and Technology Law Department
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EXAMINER

HUBER, JEREMIAH C

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/650,511	Applicant(s) QUINE, DOUGLAS B.	
	Examiner Jeremiah C. Huber	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 150. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "said at least one electronic signal" in line 13. There is insufficient antecedent basis for this limitation in the claim. Since this claim is analogous to claims 1 and 6 the examiner believes that the electronic signal was intended to correspond to the sync pulse described in claims 1 and 6 which is not mentioned in claim 12. The examiner will continue prosecution using this understanding.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer et al (3674924).

In regard to claim 1 Fischer discloses a system and method for acquiring an image of a moving item in a path in a mailing machine using an imaging device and an illumination source positioned relative to the path, wherein the image includes a discernible feature of the moving item, the imaging device having a field-of-view covering at least a portion of the path, the illumination sources capable of providing a flash of light for illuminating at least a part of the field-of-view of the imaging device, wherein the imaging device is capable of acquiring the image in at least one image frame at a time and providing at least one electronic signal indicative of a sync pulse in

synchronization with said image acquiring (Fischer Figs 1-2 and col. 2 line 34 to col. 4 line 55) including:

providing a triggering signal based on the electronic signal (Fischer Figs 1-2 and col. 4 lines 42-45 note flash is delayed by one field scan time).

in response to the triggering signal, causing the illuminating source to provide the flash of light for illuminating the moving item at least partially entering the field-of-view (Fischer Figs. 1-2 and col. 2 lines 57-60); and

acquiring the image of the moving item while it is illuminated by the flash of light, wherein the flash of light has a flash duration sufficiently short as compared to the motion of the moving item so as to produce a discernable feature (Fischer col. 2 line 60 to col. 3 line 14 note col. 2 line 63 for discernable feature and col. 3 lines 8-14 for flash duration).

In regard to claim 2 refer to the statements made in the rejection of claim 1 above. Fischer further discloses that the triggering signal is provided when the moving item entering the field-of-view has reached a predetermined point in the path (Fischer col. 2 lines 61-64).

In regard to claims 6-7 refer to the statements made in the rejection of claims 1-2 above.

In regard to claim 10 refer to the statements made in the rejection of claim 6 above. Fischer further discloses that the detection mechanism includes a photosensor (Fischer Fig. 1 16 and col. 2 lines 48-54).

In regard to claims 12 Fischer discloses an image acquisition system that includes:

- an imaging device (Fischer Fig. 1 20);
- an illuminating source (Fischer Fig. 1 22);
- a detection mechanism (Fischer Fig. 1 12); and
- an electronic circuit (Fischer Fig. 1 18).

In regard to claim 13 refer to the statements made in the rejection of claim 12 above. Fischer further discloses a storage device connected to the imaging device for storing acquired images (Fischer Fig. 1 26, 27, 30 and 32)

In regard to claim 14 refer to the statements made in the rejection of claim 12 above. Fischer further discloses image displaying units connected to the imaging device for displaying acquired images (Fischer Fig. 1 34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 8, 9, 11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer.

In regard to claim 3 refer to the statements made in the rejection of claim 1 above. Fischer further discloses that the imaging device is a video camera (Fischer Fig. 1 20 note T.V. camera), and that sync pulses are provided at a field rate (Fischer Fig. 2 note FIELD_SYNC). It is noted that Fischer does not disclose that the sync pulse is generated by the camera but is rather generated externally by a recorder clock. However the examiner takes official notice that at the time of the invention it was common and notoriously well known in the art at the time of the invention to include a sync pulse generator within a video camera. It is therefore considered obvious that one of ordinary skill in the art would recognize the advantage of including a sync pulse generator in the video camera disclosed by Fischer in order to reduce necessary circuitry, and ensure synchronization with video output.

Further, even if it were not well known in the art to have a video camera provide sync pulses, the invention of claim 3 would merely differ from Fischer by a physical arrangement of parts. That being that the sync pulse generator is located external to the

camera instead of integrated into it. Such distinctions are held to be obvious engineering choices, and the invention of claim 3 would therefore be unpatentable over Fischer. See *In re Larson*, 144 USPQ347 (CCPA1965), *In re Lockhart*, 90 USPQ 214 (CCPA1951), and *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

In regard to claim 4 refer to the statements made in the rejection of claims 1 and 3 above. Fischer further discloses two sync pulses per frame (Fischer Fig. 2 FIELD_SYNC note there are two fields per frame). Fischer further discloses selecting one pulse to use as the sync pulse (Fischer Figs 1-2 and col. 4 lines 42-45 note flash is delayed until the next field scan which could be either field pulse). It is noted that Fischer does not disclose that the sync pulse is generated by the camera but is rather generated externally by a recorder clock. However, such modifications would be obvious for the same reasons as stated in the rejection of claim 3 above.

In regard to claim 5 refer to the statements made in the rejection of claim 4 above. Fischer further discloses details of a sensing signal (Fischer Figs 1-2 12 and col. 2 lines 48-54).

In regard to claims 8-9 refer to the statements made in the rejection of claims 3- and 6 above.

In regard to claim 11 refer to the statements made in the rejection of claim 9 above. Fischer further discloses a pulse dividing circuit for selecting the sync pulse (Fischer Fig. 2 42).

In regard to claims 15-16 refer to the statements made in the rejection of claims 3-4 and 12 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah C. Huber whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mehrdad Dastouri
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SUPERVISORY PATENT EXAMINER
TC 2600

Jeremiah C Huber
Examiner
Art Unit 2621